

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

KATHRYN MILLER,)
Plaintiff,)
)
v.) No. 09-0856-CV-W-FJG
)
RONALD J. LEVY, et al.,)
Defendants.)

ORDER

Currently pending before the Court are (1) Defendants' Motion to Dismiss Due to Plaintiff's Lack of Standing and Suggestions in Support (Doc. No. 43); and (2) Plaintiff's Motion for Leave to Amend to Substitute Real Party in Interest (Doc. No. 46).

On June 23, 2010, defendants filed their motion to dismiss, indicating that plaintiff Kathryn Miller had brought the claims in this matter on behalf of her son, Anthony Miller. Defendants suggest that on June 22, 2010, Anthony Miller turned eighteen, and has now reached the age of majority. As Anthony Miller is now capable of suing and asserting his rights, defendants suggest that his mother no longer has standing to pursue this claim. In response in opposition to this motion, plaintiff simultaneously filed a motion for leave to amend to substitute Anthony Miller as the plaintiff (see Doc. No. 46). Defendants have filed no opposition to the motion to substitute.

Accordingly, for good cause shown, plaintiff's motion for leave to amend to substitute real party in interest (Doc. No. 46) will be **GRANTED**, and plaintiff Anthony Miller is substituted for plaintiff Kathryn Miller for all further purposes. Plaintiff shall file his proposed amended complaint (Doc. No. 46, Ex. 1) electronically on or before **TUESDAY, AUGUST 10, 2010**. Defendants' motion to dismiss (Doc. No. 43) is **DENIED AS MOOT**.

IT IS SO ORDERED.

Date: 8/5/2010
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge